

AMENDED IN ASSEMBLY AUGUST 8, 2008

AMENDED IN ASSEMBLY JULY 1, 2008

AMENDED IN ASSEMBLY JUNE 25, 2007

AMENDED IN SENATE APRIL 16, 2007

## SENATE BILL

**No. 963**

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**Introduced by Senator Ridley-Thomas**

February 23, 2007

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An act to amend Sections 22, ~~107~~, 108, 473.1, 473.2, 473.3, 473.4, ~~and 473.5~~ 473.15, 473.6, 2001, 2020, 2460, 2531, 2570.19, 2602, 2607.5, 2701, 2708, 2841, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3710, 3716, 4001, 4003, 4501, 4503, 4800, 4804.5, 4928, 4934, 4990, 4990.04, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 5810, 5811, 6710, 6714, 7000.5, 7011, 7200, 7810, 7815.5, 8000, 8005, 8520, 8528, 8710, 18602, and 18613 of, to amend and repeal Sections 1601.1, 1616.5, 2531.75, 2847, and 7303 of, to add Sections 27.5, ~~36~~, ~~37~~, 38, 127.5, 473.12, and 473.7 to, and to repeal and add ~~Section 101.1~~ Sections 101.1 and 473 of, the Business and Professions Code, relating to regulatory boards.

### LEGISLATIVE COUNSEL'S DIGEST

SB 963, as amended, Ridley-Thomas. Regulatory boards: operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs, with board members serving specified terms of office. Existing law authorizes each board to appoint a person, exempt from Civil Service, who shall be designated as an executive officer.

Existing law generally makes the regulatory boards inoperative and repealed on specified dates, unless those dates are deleted or extended

by subsequent legislation, and subjects these boards that are scheduled to become inoperative and repealed as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified. *Existing law requires the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to submit certain analyses and reports to the committee on specified dates and requires the committee to review those boards and hold hearings as specified, and to make certain evaluations and findings.*

~~This bill would, notwithstanding any other provision of law, abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate standing committees of the Legislature to carry out its duties. The bill would delete those provisions making the boards and their executive officers inoperative on specified dates, and would instead terminate the term terms of office of each board member of certain boards or bureau chief within the department on specified and unspecified dates. The bill would also subject interior design organizations, the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and the Tax Education Council to review on specified dates. The bill would subject authorize the appropriate standing committees of the Legislature to review the boards bureaus, or entities that are scheduled to have their board membership or bureau chief so reconstituted to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would also require or reviewed, as specified, and would authorize the appropriate standing policy committee of the Legislature to investigate board deficiencies and to hold specified public hearings. The bill would also revise the date upon which the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California must submit certain analysis and reports related to the review of those boards.~~

The bill would also require each board within the department to post annually on its Internet Web site the *aggregate* number of reports in specified categories that it received that year for its licensees, *and to post an analysis and report, as specified.*

~~The bill would allow a person to serve as the executive officer or registrar of more than one board and would make all appointments of an executive officer or registrar subject to approval by the Director of~~

~~Consumer Affairs and confirmation by the Senate. The bill would require the department to report to the Legislature and Governor if a board was unable to meet because of a lack of a quorum or vacancy. The bill would require members of authorize these boards and other state boards to report ex parte communications, as defined, in the board's minutes and promulgate regulations providing requirements for reporting ex parte communications and sanctions for noncompliance. The bill would require authorize the department to develop a common method of making guidelines for drafting and to make boards' minutes available to the public. The bill would authorize boards within the department, the State Bar, the Office of Real Estate Appraisers, and other state boards that license professions or businesses to adopt regulations to provide incentives to licensees to provide services on a pro bono basis and to adopt regulations prior to June 30, 2009, establishing regulatory board staffing requirements.~~

*Existing law prohibits a person from representing themselves as a certified interior designer unless they have been issued a stamp by an interior design organization. Existing law requires an interior design organization issuing stamps to provide to the Joint Committee on Boards, Commissions, and Consumer Protection by September 1, 2008, a report, as specified. The provisions governing interior designers become inoperative and are repealed on January 1, 2010.*

*This bill would require the interior design organization to provide the report to the appropriate standing committees by September 1, 2009. The bill would also delete the dates upon which the interior design provisions become inoperative and are repealed.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 22 of the Business and Professions Code
- 2 is amended to read:
- 3 22. "Board," as used in any provision of this code, refers to
- 4 the board in which the administration of the provision is vested,
- 5 and unless otherwise expressly provided, shall include "bureau,"
- 6 "commission," "committee," "department," "division," "examining
- 7 committee," "program," and "agency."
- 8 SEC. 2. Section 27.5 is added to the Business and Professions
- 9 Code, to read:

1     27.5. ~~A~~(a) *In addition to the information required by Section*  
2 *27, a board within the department shall annually post on its Internet*  
3 *Web site the aggregate number of reports it received that year for*  
4 *its licensees in each of the following categories:*

5     ~~(a)~~

6     ~~(1)~~ Criminal convictions.

7     ~~(b)~~

8     ~~(2)~~ Judgments, settlements, or arbitration awards.

9     ~~(c)~~

10    ~~(3)~~ Claims paid by a professional liability insurer caused by the  
11 licensee's negligence, error, or omission.

12    ~~(d)~~ *A board within the department shall also post on its Internet*  
13 *Web site the information required by Section 473.2 within 10*  
14 *business days of the information being submitted to the appropriate*  
15 *standing committees of the Legislature, with a link from the board's*  
16 *home page titled "board performance and public accountability."*

17    ~~SEC. 3.~~ Section 36 is added to the Business and Professions  
18 Code, to read:

19    ~~36.~~ A board within the department, the State Bar, the Office  
20 of Real Estate Appraisers, and any other state board that issues a  
21 license, certificate, or registration authorizing a person to engage  
22 in a business or profession may adopt regulations that provide an  
23 incentive to the holder to provide services within the scope of his  
24 or her license, certificate, or registration on a pro bono basis. The  
25 regulations may reduce the amount of the renewal fee for a  
26 licensee, certificate holder, or registrant who demonstrates  
27 compliance with the pro bono requirements set forth in the  
28 regulations.

29    ~~SEC. 4.~~ Section 37 is added to the Business and Professions  
30 Code, to read:

31    ~~37.~~ A board within the department and any other state board  
32 that issues a license, certificate, or registration authorizing a person  
33 to engage in a business or profession may adopt regulations prior  
34 to June 30, 2009, that establish requirements for the number of  
35 staff required to adequately investigate and, if appropriate, bring  
36 a disciplinary action against a licensee, certificate holder, or  
37 registrant regulated by the board. The staff level requirements  
38 shall, at a minimum, be the number of staff required per 1,000  
39 persons regulated by the board and include the appropriate number  
40 of staff to complete all investigatory and disciplinary functions.

1     ~~SEC. 5.~~

2     ~~SEC. 3.~~ Section 38 is added to the Business and Professions  
3 Code, to read:

4     ~~38. A member of a board within the department and a member~~  
5 ~~of a state board, as defined in Section 9148.2 of the Government~~  
6 ~~Code, shall disclose all of his or her ex parte communications at~~  
7 ~~the board's next public meeting, and the ex parte communications~~  
8 ~~shall be recorded in the board's minutes. "Ex parte communication"~~  
9 ~~means any oral or written communication concerning matters,~~  
10 ~~other than purely procedural matters, under the board's jurisdiction~~  
11 ~~that are subject to a vote by the board that occurred between the~~  
12 ~~member and a person, other than another board member or an~~  
13 ~~employee of the board or the department of which the board is a~~  
14 ~~part, who intends to influence the decision of the member.~~

15     ~~38. (a) (1) The people of California find and declare that the~~  
16 ~~duties and responsibilities of the boards in the Department of~~  
17 ~~Consumer Affairs are extremely important for the well-being of~~  
18 ~~Californians.~~

19     ~~(2) The public interest and principles of fundamental fairness~~  
20 ~~and due process of law require that the boards in the department~~  
21 ~~conduct their affairs in a transparent, open, objective, publicly~~  
22 ~~accountable, and impartial manner.~~

23     ~~(3) Due process, fairness, and the responsible exercise of~~  
24 ~~authority all require that the public's business be conducted in~~  
25 ~~public meetings, with limited exceptions for sensitive personnel~~  
26 ~~matters and litigation, and on the official record. Reasonable~~  
27 ~~disclosures of ex parte communications have proven useful, for a~~  
28 ~~variety of state agencies, including the Public Utilities Commission,~~  
29 ~~the Integrated Waste Management Board, the State Air Resources~~  
30 ~~Board, the Coastal Commission, the Gambling Control~~  
31 ~~Commission, the State Mining and Geology Board, and the Central~~  
32 ~~Valley Flood Protection Board.~~

33     ~~(4) Disclosures of ex parte communications are necessary and~~  
34 ~~proper to allow the public, the Legislature, and the Governor a~~  
35 ~~full picture of how the boards in the department in fact make their~~  
36 ~~decisions and such disclosure will notify all interested parties as~~  
37 ~~to whether public testimony alone is sufficient to advocate~~  
38 ~~effectively before the board.~~

39     ~~(5) It is further found that, to be effective, the boards require~~  
40 ~~public awareness, understanding, support, participation, and~~

1 confidence in their practices and procedures. Accordingly, this  
2 section is necessary to preserve the public's welfare and the  
3 integrity of, and to maintain the public's trust in, the boards and  
4 to provide public accountability and legislative oversight of the  
5 source of their decisions.

6 (b) This section shall apply to boards within the department  
7 and state boards, as defined in Section 9148.2 of the Government  
8 Code, that adopt regulations pursuant to subdivision (f).

9 (c) A board member who is acting in his or her official capacity  
10 and engages in an ex parte communication with a person with an  
11 interest in a matter before the board, may disclose that  
12 communication in one of the following ways:

13 (1) The board member or the person discloses the  
14 communication pursuant to this section and makes public the ex  
15 parte communication by providing a full report of the  
16 communication to the executive officer or, if the communication  
17 occurs within seven days of the next board meeting or hearing, to  
18 the board on the record of the proceeding of that meeting or  
19 hearing.

20 (2) When two or more board members receive substantially the  
21 same written communication or receive the same oral  
22 communication from the same party on the same matter, one of  
23 the board members fully discloses the communication on behalf  
24 of the other board member or members who received the  
25 communication and requests in writing that it be placed in the  
26 board's official record of the proceeding.

27 (3) The executive officer shall place in the public record any  
28 report of an ex parte communication.

29 (4) Communications shall cease to be ex parte communications  
30 when fully disclosed and placed in the board's minutes pursuant  
31 to this section.

32 (d) For purposes of this section, "ex parte communication"  
33 means any oral or written communication between a board  
34 member, who is appointed pursuant to Section 101.1, and a person  
35 with an interest in a matter before the board concerning  
36 substantive, but not procedural issues, that does not occur in a  
37 public hearing, workshop, or other public proceeding, or on the  
38 official record of the proceeding on the matter and falls into one  
39 of the following categories:

1     (1) *The communication occurs in a meeting or other conference,*  
2 *including telephone calls, that begins at a scheduled time.*

3     (2) *The communication is in writing, including electronic mail*  
4 *or text messages.*

5     (3) *The communication occurs on calendar days when the board*  
6 *has a scheduled meeting or hearing.*

7     (4) *The communication qualifies as additional ex parte*  
8 *communications, as may be defined by each board by regulation.*

9     (5) *The communication is by or from any agent, officer, or*  
10 *employee of a licensee or any agent, officer, or employee of any*  
11 *civic, environmental, neighborhood, business, consumer, labor,*  
12 *trade, or similar organization.*

13     (e) *“Person with an interest,” for purposes of this section, means*  
14 *any of the following:*

15     (1) *Any agent or an employee of a licensee, or a person*  
16 *receiving consideration for representing the licensee, or a*  
17 *participant in the proceeding on any matter before the board who*  
18 *intends to influence the decision of a board member on a matter*  
19 *before the board.*

20     (2) *Any agent or employee of any civic, environmental,*  
21 *neighborhood, business, consumer, labor, trade, or similar*  
22 *organization who intends to influence the decision of a board*  
23 *member on a matter before the board.*

24     (3) *Any person with a financial interest, as described in Article*  
25 *1 (commencing with Section 87100) of Chapter 7 of Title 9 of the*  
26 *Government Code, in a matter before the board, or an agent or*  
27 *employee of the person with a financial interest, or a person*  
28 *receiving consideration for representing the person with a financial*  
29 *interest who intends to influence the decision of a board member*  
30 *on a matter before the board.*

31     (4) *A consumer or licensee representing himself or herself who*  
32 *intends to influence the decision of a commission member on a*  
33 *matter before the board.*

34     (f) *Each board may promulgate regulations providing*  
35 *requirements for reporting of ex parte communications and*  
36 *appropriate sanctions for noncompliance with any rule proscribing*  
37 *ex parte communications. The regulation shall provide that*  
38 *reportable communications shall be reported by the board member*  
39 *or person with an interest before the board, whether the*

1 *communication was initiated by the person or the board member,*  
2 *and that the report shall include the following information:*

3 *(1) The date, time, and location of the communication, and*  
4 *whether it was oral, written, or a combination.*

5 *(2) The identity of the recipient and the person initiating the*  
6 *communication, as well as the identity of any persons present*  
7 *during the communication.*

8 *(3) A brief description of the interested person's, but not the*  
9 *board member's, communication and its content, to which shall*  
10 *be attached a copy of any written material or text used during the*  
11 *communication.*

12 *(g) Nothing in this section shall be construed to affect the*  
13 *requirements of Sections 11425.10 and 11430.10 of the*  
14 *Government Code regarding quasi-adjudicatory proceedings.*

15 ~~SEC. 6.~~

16 ~~SEC. 4.~~ Section 101.1 of the Business and Professions Code  
17 is repealed.

18 ~~SEC. 7.~~

19 ~~SEC. 5.~~ Section 101.1 is added to the Business and Professions  
20 Code, to read:

21 101.1. Notwithstanding any other provision of law, if the terms  
22 of office of the members of a board are terminated in accordance  
23 with the act that added this section or by subsequent acts, ~~a~~  
24 ~~successor board~~ *successor members* shall be appointed that shall  
25 succeed to, and be vested with, all the duties, powers, purposes,  
26 responsibilities, and jurisdiction not otherwise repealed or made  
27 inoperative of the ~~board that it is~~ *members that they are* succeeding.  
28 The ~~successor board shall have the same number of members and~~  
29 ~~composition as the board that it is succeeding, and those members~~  
30 ~~shall be appointed by the same appointing authorities, for the same~~  
31 ~~term remainder of the previous members' terms, and with the same~~  
32 ~~membership requirements as the members of the board it is~~ *they*  
33 *are succeeding.*

34 ~~SEC. 8.~~ Section 107 of the Business and Professions Code is  
35 amended to read:

36 107. (a) Pursuant to subdivision (c) of Section 4 of Article VII  
37 of the California Constitution, each board may appoint a person  
38 exempt from civil service and may fix his or her salary, with the  
39 approval of the Department of Personnel Administration pursuant  
40 to Section 19825 of the Government Code, who shall be designated



1 ~~as an executive officer unless the licensing act of the particular~~  
2 ~~board designates the person as a registrar. A person may be~~  
3 ~~appointed as an executive officer or registrar for more than one~~  
4 ~~board if approved by each of those boards and may serve in those~~  
5 ~~capacities at the same time if practical and consistent with law and~~  
6 ~~the respective board functions and duties.~~

7 ~~(b) Notwithstanding any other provision of law, all appointments~~  
8 ~~of an executive officer or registrar shall be subject to the approval~~  
9 ~~of the director and confirmation by the Senate.~~

10 ~~SEC. 9.~~

11 *SEC. 6.* Section 108 of the Business and Professions Code is  
12 amended to read:

13 108. (a) Each of the boards comprising the department exists  
14 as a separate unit, and has the functions of setting standards,  
15 holding meetings, and setting dates thereof, preparing and  
16 conducting examinations, passing upon applicants, conducting  
17 investigations of violations of laws under its jurisdiction, issuing  
18 citations and holding hearings for the revocation of licenses, and  
19 the imposing of penalties following those hearings, insofar as these  
20 powers are given by statute to each respective board.

21 ~~(b) The department shall develop a common method of~~  
22 ~~maintaining, posting, and making may develop guidelines for~~  
23 ~~drafting and make available to the public minutes of the meetings~~  
24 ~~of the boards comprising the department. Each of those boards~~  
25 ~~shall use that method and shall post the minutes of its meetings~~  
26 ~~on its Internet Web site within 10 days of the date of the meeting.~~  
27 ~~the minutes are approved by the board.~~

28 ~~SEC. 10.~~

29 *SEC. 7.* Section 127.5 is added to the Business and Professions  
30 Code, to read:

31 127.5. The department shall report to the Legislature and the  
32 Governor when a board within the department has been unable to  
33 schedule or convene a meeting of the board because of a lack of  
34 a quorum caused by the absence of its members or by a vacancy  
35 in its membership.

36 *SEC. 8.* Section 473 of the Business and Professions Code is  
37 repealed.

38 ~~473. (a) There is hereby established the Joint Committee on~~  
39 ~~Boards, Commissions, and Consumer Protection.~~

~~(b) The Joint Committee on Boards, Commissions, and Consumer Protection shall consist of three members appointed by the Senate Committee on Rules and three members appointed by the Speaker of the Assembly. No more than two of the three members appointed from either the Senate or the Assembly shall be from the same party. The Joint Rules Committee shall appoint the chairperson of the committee.~~

~~(c) The Joint Committee on Boards, Commissions, and Consumer Protection shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.~~

~~(d) The Speaker of the Assembly and the Senate Committee on Rules may designate staff for the Joint Committee on Boards, Commissions, and Consumer Protection.~~

~~(e) The Joint Committee on Boards, Commissions, and Consumer Protection is authorized to act until January 1, 2012, at which time the committee's existence shall terminate.~~

*SEC. 9. Section 473 is added to the Business and Professions Code, to read:*

*473. Whenever the provisions of this code refer to the Joint Committee on Boards, Commissions and Consumer Protection, the reference shall be construed to be a reference to the appropriate standing committees of the Legislature.*

~~SEC. 11.~~

*SEC. 10. Section 473.1 of the Business and Professions Code is amended to read:*

*473.1. This chapter shall apply to all of the following:*

*(a) Every board, as defined in Section 22, that is scheduled to have its membership reconstituted on a specified date as provided by subdivision (a) of Section 473.12.*

~~(b) The Bureau for Postsecondary and Vocational Education. For purposes of this chapter, "board" includes the bureau.~~

~~(c) The Cemetery and Funeral Bureau.~~

*(b) Every bureau that is named in subdivision (b) of Section 473.12.*

*(c) Every entity that is named in subdivision (c) of Section 472.12.*

1     ~~SEC. 12.— Section 473.12 is added to the Business and~~  
2     ~~Professions Code, to read:~~

3     ~~473.12. Notwithstanding any other provision of law, the term~~  
4     ~~of office of each member of the following boards in the department~~  
5     ~~shall terminate on the date listed:~~

6     ~~(a) The Dental Board of California: January 1, 2012.~~

7     ~~(b) The Medical Board of California: January 1, 2011.~~

8     ~~(c) The State Board of Optometry: January 1, 2011.~~

9     ~~(d) The California State Board of Pharmacy: January 1, 2011.~~

10    ~~(e) The Veterinary Medical Board: January 1, 2012.~~

11    ~~(f) The California Board of Accountancy: January 1, 2012.~~

12    ~~(g) The California Architects Board: January 1, 2012.~~

13    ~~(h) The State Board of Barbering and Cosmetology: January 1,~~  
14    ~~2012.~~

15    ~~(i) The Board for Professional Engineers and Land Surveyors:~~  
16    ~~January 1, 2012.~~

17    ~~(j) The Contractors' State License Board: January 1, 2010.~~

18    ~~(k) The Bureau for Private Postsecondary Education: \_\_\_\_.~~

19    ~~(l) The Structural Pest Control Board: January 1, 2012.~~

20    ~~(m) The Bureau of Home Furnishings and Thermal Insulation:~~  
21    ~~\_\_\_\_.~~

22    ~~(n) The Board of Registered Nursing: January 1, 2011.~~

23    ~~(o) The Board of Behavioral Sciences: January 1, 2010.~~

24    ~~(p) The State Athletic Commission: January 1, 2010.~~

25    ~~(q) The Cemetery and Funeral Bureau: \_\_\_\_.~~

26    ~~(r) The State Board of Guide Dogs for the Blind: January 1,~~  
27    ~~2012.~~

28    ~~(s) The Bureau of Security and Investigative Services: \_\_\_\_.~~

29    ~~(t) The Court Reporters Board of California: January 1, 2010.~~

30    ~~(u) The Board of Vocational Nursing and Psychiatric~~  
31    ~~Technicians: January 1, 2012.~~

32    ~~(v) The Landscape Architects Technical Committee: January~~  
33    ~~1, 2012.~~

34    ~~(w) The Bureau of Electronic and Appliance Repair: \_\_\_\_.~~

35    ~~(x) The Division of Investigation, Department of Consumer~~  
36    ~~Affairs: \_\_\_\_.~~

37    ~~(y) The Bureau of Automotive Repair: \_\_\_\_.~~

38    ~~(z) The Board for Geologists and Geophysicists: January 1,~~  
39    ~~2010.~~

40    ~~(aa) The Respiratory Care Board of California: January 1, 2011.~~

- 1   ~~(ab) The Acupuncture Board: January 1, 2010.~~  
2   ~~(ac) The Board of Psychology: January 1, 2010.~~  
3   ~~(ad) The California Board of Podiatric Medicine: January 1,~~  
4   ~~2011.~~  
5   ~~(ae) The Physical Therapy Board of California: January 1, 2014.~~  
6   ~~(af) The Arbitration Review Program: \_\_\_\_.~~  
7   ~~(ag) The Dental Hygiene Committee of California: \_\_\_\_.~~  
8   ~~(ah) The Hearing Aid Dispensers Bureau: \_\_\_\_.~~  
9   ~~(ai) The Physician Assistant Committee, Medical Board of~~  
10   ~~California: January 1, 2012.~~  
11   ~~(aj) The Speech-Language Pathology and Audiology Board:~~  
12   ~~January 1, 2012.~~  
13   ~~(ak) The California Board of Occupational Therapy: January~~  
14   ~~1, 2014.~~  
15   ~~(al) The Osteopathic Medical Board of California: \_\_\_\_.~~  
16   ~~(am) The Bureau of Naturopathic Medicine: \_\_\_\_.~~  
17   SEC. 11. Section 473.12 is added to the Business and  
18   Professions Code, to read:  
19       473.12. (a) Notwithstanding any other provision of law, the  
20   term of office of each member of the following boards in the  
21   department shall terminate on the date listed, unless a later enacted  
22   statute, that is enacted before the date listed for that board or  
23   bureau, deletes or extends that date:  
24       (1) The Dental Board of California: January 1, 2011.  
25       (2) The Medical Board of California: January 1, 2012.  
26       (3) The State Board of Optometry: January 1, 2012.  
27       (4) The California State Board of Pharmacy: January 1, 2012.  
28       (5) The Veterinary Medical Board: January 1, 2013.  
29       (6) The California Board of Accountancy: January 1, 2011.  
30       (7) The California Architects Board: January 1, 2014.  
31       (8) The State Board of Barbering and Cosmetology: January  
32   1, 2012.  
33       (9) The Board for Professional Engineers and Land Surveyors:  
34   January 1, 2013.  
35       (10) The Contractors' State License Board: January 1, 2012.  
36       (11) The Structural Pest Control Board: January 1, 2012.  
37       (12) The Board of Registered Nursing: January 1, 2014.  
38       (13) The Board of Behavioral Sciences: January 1, 2011.  
39       (14) The State Athletic Commission: January 1, 2011.

1     (15) *The State Board of Guide Dogs for the Blind: January 1,*  
2     2014.

3     (16) *The Court Reporters Board of California: January 1, 2012.*

4     (17) *The Board of Vocational Nursing and Psychiatric*  
5     *Technicians: January 1, 2012.*

6     (18) *The Landscape Architects Technical Committee: January*  
7     1, 2014.

8     (19) *The Board for Geologists and Geophysicists: January 1,*  
9     2014.

10    (20) *The Respiratory Care Board of California: January 1,*  
11    2012.

12    (21) *The Acupuncture Board: January 1, 2011.*

13    (22) *The Board of Psychology: January 1, 2013.*

14    (23) *The California Board of Podiatric Medicine: January 1,*  
15    2012.

16    (24) *The Physical Therapy Board of California: January 1,*  
17    2014.

18    (25) *The Physician Assistant Committee, Medical Board of*  
19    *California: January 1, 2014.*

20    (26) *The Speech-Language Pathology and Audiology Board:*  
21    *January 1, 2012.*

22    (27) *The California Board of Occupational Therapy: January*  
23    1, 2014.

24    (28) *The Dental Hygiene Committee of California: January 1,*  
25    2014.

26    (b) *Notwithstanding any other provision of law, the term of*  
27    *office for the bureau chief of each of the following bureaus shall*  
28    *terminate on the date listed, unless a later enacted statute, that is*  
29    *enacted before the date listed for that bureau, deletes or extends*  
30    *that date:*

31    (1) *Arbitration Review Program: January 1, 2013.*

32    (2) *Bureau for Private Postsecondary Education: January 1,*  
33    2014.

34    (3) *Bureau of Automotive Repair: January 1, 2012.*

35    (4) *Bureau of Electronic and Appliance Repair: January 1,*  
36    2013.

37    (5) *Bureau of Home Furnishings and Thermal Insulation:*  
38    *January 1, 2014.*

39    (6) *Bureau of Naturopathic Medicine: January 1, 2011.*

1 (7) *Bureau of Security and Investigative Services: January 1,*  
2 *2014.*

3 (8) *Cemetery and Funeral Bureau: January 1, 2014.*

4 (9) *Hearing Aid Dispensers Bureau: January 1, 2012.*

5 (10) *Professional Fiduciaries Bureau: January 1, 2012.*

6 (11) *Telephone Medical Advice Services Bureau: January 1,*  
7 *2013.*

8 (c) *Notwithstanding any other provision of law, the following*  
9 *shall be subject to review under this chapter on the following dates:*

10 (1) *Interior design certification organizations: January 1, 2011.*

11 (2) *State Board of Chiropractic Examiners: January 1, 2011.*

12 (3) *Osteopathic Medical Board of California: January 1, 2013.*

13 (4) *California Tax Education Council: January 1, 2012.*

14 (d) *Nothing in this section or in Section 101.1 shall be construed*  
15 *to preclude, prohibit, or in any manner alter the requirement of*  
16 *Senate confirmation of a board member, chief officer, or other*  
17 *appointee that is subject to confirmation by the Senate as otherwise*  
18 *required by law.*

19 (e) *It is not the intent of the Legislature in enacting this section*  
20 *to amend the initiative measure that established the State Board*  
21 *of Chiropractic Examiners or the Osteopathic Medical Board of*  
22 *California.*

23 SEC. 12. *Section 473.15 of the Business and Professions Code*  
24 *is amended to read:*

25 473.15. (a) ~~The Joint Committee on Boards, Commissions,~~  
26 ~~and Consumer Protection established pursuant to Section 473~~  
27 *appropriate standing committees of the Legislature shall review*  
28 *the following boards established by initiative measures, as provided*  
29 *in this section:*

30 (1) *The State Board of Chiropractic Examiners established by*  
31 *an initiative measure approved by electors November 7, 1922.*

32 (2) *The Osteopathic Medical Board of California established*  
33 *by an initiative measure approved June 2, 1913, and acts*  
34 *amendatory thereto approved by electors November 7, 1922.*

35 (b) *The Osteopathic Medical Board of California shall prepare*  
36 *an analysis and submit a report as described in subdivisions (a) to*  
37 *(e), inclusive, of Section 473.2, to the Joint Committee on Boards,*  
38 ~~Commissions, and Consumer Protection~~ *appropriate standing*  
39 *committees of the Legislature on or before September 1, 2010.*

1 (c) The State Board of Chiropractic Examiners shall prepare an  
2 analysis and submit a report as described in subdivisions (a) to (e),  
3 inclusive, of Section 473.2, to the ~~Joint Committee on Boards,~~  
4 ~~Commissions, and Consumer Protection~~ *appropriate standing*  
5 *committees of the Legislature* on or before September 1, ~~2011~~  
6 ~~2009~~.

7 (d) The ~~Joint Committee on Boards, Commissions, and~~  
8 ~~Consumer Protection~~ *appropriate standing committees of the*  
9 *Legislature* shall, during the interim recess of ~~2004~~ *2011* for the  
10 Osteopathic Medical Board of California, and during the interim  
11 recess of ~~2011~~ *2009* for the State Board of Chiropractic Examiners,  
12 hold public hearings to receive testimony from the Director of  
13 Consumer Affairs, the board involved, the public, and the regulated  
14 industry. In that hearing, each board shall be prepared to  
15 demonstrate a compelling public need for the continued existence  
16 of the board or regulatory program, and that its licensing function  
17 is the least restrictive regulation consistent with the public health,  
18 safety, and welfare.

19 (e) The ~~Joint Committee on Boards, Commissions, and~~  
20 ~~Consumer Protection~~ *appropriate standing committees of the*  
21 *Legislature* shall evaluate and make determinations pursuant to  
22 Section 473.4 and shall report its findings and recommendations  
23 to the department as provided in Section 473.5.

24 (f) In the exercise of its inherent power to make investigations  
25 and ascertain facts to formulate public policy and determine the  
26 necessity and expediency of contemplated legislation for the  
27 protection of the public health, safety, and welfare, it is the intent  
28 of the Legislature that the State Board of Chiropractic Examiners  
29 and the Osteopathic Medical Board of California be reviewed  
30 pursuant to this section.

31 (g) It is not the intent of the Legislature in ~~requiring a review~~  
32 ~~under~~ *enacting* this section to amend the initiative measures that  
33 established the State Board of Chiropractic Examiners or the  
34 Osteopathic Medical Board of California.

35 SEC. 13. Section 473.2 of the Business and Professions Code  
36 is amended to read:

37 473.2. (a) All boards to which this chapter applies or bureaus  
38 set forth in Section 473.12 shall, with the assistance of the  
39 Department of Consumer Affairs, prepare an analysis and submit  
40 a report to the ~~Joint Committee on Boards, Commissions, and~~

~~Consumer Protection~~ appropriate standing committees of the Legislature no later than 22 months before that board's membership shall be reconstituted or the bureau officer's term shall be terminated pursuant to Section 473.12. The analysis and report shall include, at a minimum, all of the following:

(a) ~~A comprehensive statement of the board's mission, goals, objectives and legal jurisdiction in protecting the health, safety, and welfare of the public.~~

(b) ~~The board's enforcement priorities, complaint and enforcement data, budget expenditures with average and median costs per case, and case aging data specific to post and preaccusation cases at the Attorney General's office.~~

(c) ~~The board's~~

(1) *The number of complaints it received per year, the number of complaints per year that proceeded to investigation, the number of accusations filed per year, and the number and kind of disciplinary actions taken, including, but not limited to, interim suspension orders, revocations, probations, and suspensions.*

(2) *The average amount of time per year that elapsed between receipt of a complaint and the complaint being closed or referred to investigation; the average amount of time per year elapsed between the commencement of an investigation and the complaint either being closed or an accusation being filed; the average amount of time elapsed per year between the filing of an accusation and a final decision, including appeals; and the average and median costs per case.*

(3) *The average amount of time per year between final disposition of a complaint and notice to the complainant.*

(4) *A copy of the enforcement priorities including criteria for seeking an interim suspension order.*

(5) *A brief description of the board's or bureau's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.*

(d) ~~The board's description of its licensing process including the time and costs~~

(6) *A brief description of the cost per year required to implement and administer its licensing examination, ownership of the license examination, the last assessment of the relevancy and validity of the licensing examination, and passage rate for each of the last four years and areas of examination.*



1 ~~(e) The board's initiation of legislative efforts, budget change~~  
2 ~~proposals, and other initiatives it has taken to improve its legislative~~  
3 ~~mandate.~~

4 *(7) A copy of sponsored legislation and a description of its*  
5 *budget change proposals.*

6 *(8) A brief assessment of its licensing fees as to whether they*  
7 *are sufficient, too high, or too low.*

8 *(9) A brief statement detailing how the board or bureau over*  
9 *the prior four years has improved its enforcement, public*  
10 *disclosure, and accessibility to the public, including, but not limited*  
11 *to, webcasts of its proceedings, and fiscal condition.*

12 *(b) If an annual report contains information that is required by*  
13 *this section, a board or bureau may submit the annual report to*  
14 *the committees and post it on the board or bureau's Internet Web*  
15 *site pursuant to subdivision (d) of Section 27.5.*

16 SEC. 14. Section 473.3 of the Business and Professions Code  
17 is amended to read:

18 473.3. ~~(a)~~ Prior to the reconstitution of the membership of any  
19 board or chief of any bureau described in Section 473.12, the ~~Joint~~  
20 ~~Committee on Boards, Commissions, and Consumer Protection~~  
21 ~~shall appropriate policy standing committees of the Legislature~~  
22 ~~may, during the interim recess preceding the date upon which a~~  
23 ~~board's membership is to be reconstituted or bureau chief is to be~~  
24 ~~reconstituted or terminated, hold public hearings to receive~~  
25 ~~testimony from the Director of Consumer Affairs, the board or~~  
26 ~~bureau involved, and the public and regulated industry. In that~~  
27 ~~hearing, each board shall have the burden of demonstrating a~~  
28 ~~compelling public need for the continued existence of the~~  
29 ~~regulatory program, and that its licensing function is the least~~  
30 ~~restrictive regulation consistent with the public health, safety, and~~  
31 ~~welfare.~~

32 ~~(b) In addition to subdivision (a), in 2002 and every four years~~  
33 ~~thereafter, the committee, in cooperation with the California~~  
34 ~~Postsecondary Education Commission, shall hold a public hearing~~  
35 ~~to receive testimony from the Director of Consumer Affairs, the~~  
36 ~~Bureau for Private Postsecondary and Vocational Education,~~  
37 ~~private postsecondary educational institutions regulated by the~~  
38 ~~bureau, and students of those institutions. In those hearings, the~~  
39 ~~bureau shall have the burden of demonstrating a compelling public~~  
40 ~~need for the continued existence of the bureau and its regulatory~~

1 program, and that its function is the least restrictive regulation  
2 consistent with the public health, safety, and welfare.

3 (e) ~~The committee, in cooperation with the California~~  
4 ~~Postsecondary Education Commission, shall evaluate and review~~  
5 ~~the effectiveness and efficiency of the Bureau for Private~~  
6 ~~Postsecondary and Vocational Education, based on factors and~~  
7 ~~minimum standards of performance that are specified in Section~~  
8 ~~473.4. The committee shall report its findings and~~  
9 ~~recommendations as specified in Section 473.5. The bureau shall~~  
10 ~~prepare an analysis and submit a report to the committee as~~  
11 ~~specified in Section 473.2.~~

12 (d) ~~In addition to subdivision (a), in 2003 and every four years~~  
13 ~~thereafter, the committee shall hold a public hearing to receive~~  
14 ~~testimony from the Director of Consumer Affairs and the Bureau~~  
15 ~~of Automotive Repair. In those hearings, the bureau shall have the~~  
16 ~~burden of demonstrating a compelling public need for the continued~~  
17 ~~existence of the bureau and its regulatory program, and that its~~  
18 ~~function is the least restrictive regulation consistent with the public~~  
19 ~~health, safety, and welfare.~~

20 (e) ~~The committee shall evaluate and review the effectiveness~~  
21 ~~and efficiency of the Bureau of Automotive Repair based on factors~~  
22 ~~and minimum standards of performance that are specified in~~  
23 ~~Section 473.4. The committee shall report its findings and~~  
24 ~~recommendations as specified in Section 473.5. The bureau shall~~  
25 ~~prepare an analysis and submit a report to the committee as~~  
26 ~~specified in Section 473.2. *the committee may consider testimony*~~  
27 ~~*from the board or bureau, from the department, from the Attorney*~~  
28 ~~*General, and from members of the public as to whether the board's*~~  
29 ~~*or bureau's policies and practices, including enforcement,*~~  
30 ~~*disclosure, licensing exam, and fee structure, are sufficient to*~~  
31 ~~*protect consumers and are fair to licensees and prospective*~~  
32 ~~*licensees, whether licensure of the profession is required to protect*~~  
33 ~~*the public, and whether an enforcement monitor may be necessary*~~  
34 ~~*to obtain further information on operations.*~~

35 SEC. 15. Section 473.4 of the Business and Professions Code  
36 is amended to read:

37 473.4. (a) ~~The Joint Committee on Boards, Commissions, and~~  
38 ~~Consumer Protection shall appropriate standing committees of the~~  
39 ~~Legislature may evaluate and determine whether a board or~~  
40 ~~regulatory program has demonstrated a public need for the~~

1 continued existence of the regulatory program and for the degree  
2 of regulation the board or regulatory program implements based  
3 on the following factors and minimum standards of performance:

4 (1) Whether regulation by the board is necessary to protect the  
5 public health, safety, and welfare.

6 (2) Whether the basis or facts that necessitated the initial  
7 licensing or regulation of a practice or profession have changed.

8 (3) Whether other conditions have arisen that would warrant  
9 increased, decreased, or the same degree of regulation.

10 (4) If regulation of the profession or practice is necessary,  
11 whether existing statutes and regulations establish the least  
12 restrictive form of regulation consistent with the public interest,  
13 considering other available regulatory mechanisms, and whether  
14 the board rules enhance the public interest and are within the scope  
15 of legislative intent.

16 (5) Whether the board operates and enforces its regulatory  
17 responsibilities in the public interest and whether its regulatory  
18 mission is impeded or enhanced by existing statutes, regulations,  
19 policies, practices, or any other circumstances, including budgetary,  
20 resource, and personnel matters.

21 (6) Whether an analysis of board operations indicates that the  
22 board performs its statutory duties efficiently and effectively.

23 (7) Whether the composition of the board adequately represents  
24 the public interest and whether the board encourages public  
25 participation in its decisions rather than participation only by the  
26 industry and individuals it regulates.

27 (8) Whether the board and its laws or regulations stimulate or  
28 restrict competition, and the extent of the economic impact the  
29 board's regulatory practices have on the state's business and  
30 technological growth.

31 (9) Whether complaint, investigation, powers to intervene, and  
32 disciplinary procedures adequately protect the public and whether  
33 final dispositions of complaints, investigations, restraining orders,  
34 and disciplinary actions are in the public interest; or if it is, instead,  
35 self-serving to the profession, industry or individuals being  
36 regulated by the board.

37 (10) Whether the scope of practice of the regulated profession  
38 or occupation contributes to the highest utilization of personnel  
39 and whether entry requirements encourage affirmative action.

(11) Whether administrative and statutory changes are necessary to improve board operations to enhance the public interest.

~~(b) The Joint Committee on Boards, Commissions, and Consumer Protection shall consider alternatives to placing responsibilities and jurisdiction of the board under the Department of Consumer Affairs.~~

~~(e)~~

~~(b) Nothing in this section precludes any board from submitting other appropriate information to the Joint Committee on Boards, Commissions, and Consumer Protection. the appropriate standing committees of the Legislature.~~

~~SEC. 16. Section 473.5 of the Business and Professions Code is amended to read:~~

~~473.5. The Joint Committee on Boards, Commissions, and Consumer Protection shall report its findings and preliminary recommendations to the department for its review, and, within 90 days of receiving the report, the department shall report its findings and recommendations to the Joint Committee on Boards, Commissions, and Consumer Protection during the next year of the regular session that follows the hearings described in Section 473.3. The committee shall then meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the department and the committee and whether the board's membership should be reconstituted and whether its functions should be revised. If the committee or the department deems it advisable, the report may include proposed bills to carry out its recommendations.~~

~~SEC. 16. Section 473.6 of the Business and Professions Code is amended to read:~~

~~473.6. The chairpersons of the appropriate-policy standing committees of the Legislature may refer to the Joint Committee on Boards, Commissions, and Consumer Protection for interim study review of any legislative issues or proposals to create new licensure or regulatory categories, change licensing requirements, modify scope of practice, or create a new licensing board under the provisions of this code or pursuant to Chapter 1.5 (commencing with Section 9148) of Part 1 of Division 2 of Title 2 of the Government Code.~~

1 SEC. 17. Section 473.7 is added to the Business and Professions  
2 Code, to read:

3 473.7. The appropriate standing ~~policy committee committees~~  
4 of the Legislature ~~shall may~~, through ~~its their~~ oversight function,  
5 investigate the ~~perceived deficiencies in the operation of a board~~  
6 ~~operations of any entity~~ to which this chapter applies and hold  
7 public hearings on any matter subject to public hearing under  
8 Section 473.3.

9 SEC. 18. Section 1601.1 of the Business and Professions Code,  
10 as added by Section 3 of Chapter 31 of the Statutes of 2008, is  
11 repealed.

12 ~~1601.1. (a) There shall be in the Department of Consumer~~  
13 ~~Affairs the Dental Board of California in which the administration~~  
14 ~~of this chapter is vested. The board shall consist of eight practicing~~  
15 ~~dentists, one registered dental hygienist, one registered dental~~  
16 ~~assistant, and four public members. Of the eight practicing dentists,~~  
17 ~~one shall be a member of a faculty of any California dental college~~  
18 ~~and one shall be a dentist practicing in a nonprofit community~~  
19 ~~clinic. The appointing powers, described in Section 1603, may~~  
20 ~~appoint to the board a person who was a member of the prior board.~~  
21 ~~The board shall be organized into standing committees dealing~~  
22 ~~with examinations, enforcement, and other subjects as the board~~  
23 ~~deems appropriate.~~

24 ~~(b) For purposes of this chapter, any reference in this chapter~~  
25 ~~to the Board of Dental Examiners shall be deemed to refer to the~~  
26 ~~Dental Board of California.~~

27 ~~(c) The board shall have all authority previously vested in the~~  
28 ~~existing board under this chapter. The board may enforce all~~  
29 ~~disciplinary actions undertaken by the previous board.~~

30 ~~(d) This section shall remain in effect only until January 1, 2012,~~  
31 ~~and as of that date, is repealed, unless a later enacted statute that~~  
32 ~~is enacted before January 1, 2012, deletes or extends that date. The~~  
33 ~~repeal of this section renders the board subject to the review~~  
34 ~~required by Division 1.2 (commencing with Section 473).~~

35 SEC. 18.5. Section 1601.1 of the Business and Professions  
36 Code, as added by Section 1 of Chapter 35 of the Statutes of 2008,  
37 is amended to read:

38 1601.1. (a) There shall be in the Department of Consumer  
39 Affairs the Dental Board of California in which the administration  
40 of this chapter is vested. The board shall consist of eight practicing

1 dentists, one registered dental hygienist, one registered dental  
2 assistant, and four public members. Of the eight practicing dentists,  
3 one shall be a member of a faculty of any California dental college,  
4 and one shall be a dentist practicing in a nonprofit community  
5 clinic. The appointing powers, described in Section 1603, may  
6 appoint to the board a person who was a member of the prior board.  
7 The board shall be organized into standing committees dealing  
8 with examinations, enforcement, and other subjects as the board  
9 deems appropriate.

10 (b) For purposes of this chapter, any reference in this chapter  
11 to the Board of Dental Examiners shall be deemed to refer to the  
12 Dental Board of California.

13 (c) The board shall have all authority previously vested in the  
14 existing board under this chapter. The board may enforce all  
15 disciplinary actions undertaken by the previous board.

16 ~~(d) This section shall remain in effect only until January 1, 2012,~~  
17 ~~and as of that date is repealed, unless a later enacted statute, that~~  
18 ~~is enacted before January 1, 2012, deletes or extends that date. The~~  
19 ~~repeal of this section renders the board subject to the review~~  
20 ~~required by Division 1.2 (commencing with Section 473).~~

21 *SEC. 19. Section 1616.5 of the Business and Professions Code,*  
22 *as added by Section 5 of Chapter 31 of the Statutes of 2008, is*  
23 *repealed.*

24 ~~(a) The board, by and with the approval of the director, may~~  
25 ~~appoint a person exempt from civil service who shall be designated~~  
26 ~~as an executive officer and who shall exercise the powers and~~  
27 ~~perform the duties delegated by the board and vested in him or her~~  
28 ~~by this chapter.~~

29 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
30 ~~and as of that date, is repealed, unless a later enacted statute that~~  
31 ~~is enacted before January 1, 2012, deletes or extends that date.~~

32 *SEC. 19.3. Section 1616.5 of the Business and Professions*  
33 *Code, as amended by Section 3 of Chapter 33 of the Statutes of*  
34 *2008, is repealed.*

35 ~~(a) The board, by and with the approval of the director, may~~  
36 ~~appoint a person exempt from civil service who shall be designated~~  
37 ~~as an executive officer and who shall exercise the powers and~~  
38 ~~perform the duties delegated by the board and vested in him or her~~  
39 ~~by this chapter.~~

1 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
2 ~~and as of that date is repealed, unless a later enacted statute, that~~  
3 ~~is enacted before January 1, 2012, deletes or extends that date.~~

4 *SEC. 19.5. Section 1616.5 of the Business and Professions*  
5 *Code, as added by Section 2 of Chapter 35 of the Statutes of 2008,*  
6 *is amended to read:*

7 1616.5. (a) The board, by and with the approval of the director,  
8 may appoint a person exempt from civil service who shall be  
9 designated as an executive officer and who shall exercise the  
10 powers and perform the duties delegated by the board and vested  
11 in him or her by this chapter.

12 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
13 ~~and as of that date is repealed, unless a later enacted statute, that~~  
14 ~~is enacted before January 1, 2012, deletes or extends that date.~~

15 *SEC. 20. Section 2001 of the Business and Professions Code*  
16 *is amended to read:*

17 2001. (a) There is in the Department of Consumer Affairs a  
18 Medical Board of California that consists of 15 members, seven  
19 of whom shall be public members.

20 (b) The Governor shall appoint 13 members to the board, subject  
21 to confirmation by the Senate, five of whom shall be public  
22 members. The Senate Committee on Rules and the Speaker of the  
23 Assembly shall each appoint a public member.

24 (c) Notwithstanding any other provision of law, to reduce the  
25 membership of the board to 15, the following shall occur:

26 (1) Two positions on the board that are public members having  
27 a term that expires on June 1, 2010, shall terminate instead on  
28 January 1, 2008.

29 (2) Two positions on the board that are not public members  
30 having a term that expires on June 1, 2008, shall terminate instead  
31 on August 1, 2008.

32 (3) Two positions on the board that are not public members  
33 having a term that expires on June 1, 2011, shall terminate instead  
34 on January 1, 2008.

35 ~~(d) This section shall become inoperative on July 1, 2010, and,~~  
36 ~~as of January 1, 2011, is repealed, unless a later enacted statute,~~  
37 ~~which becomes effective on or before January 1, 2011, deletes or~~  
38 ~~extends the dates on which it becomes inoperative and is repealed.~~  
39 ~~The repeal of this section renders the board subject to the review~~  
40 ~~required by Division 1.2 (commencing with Section 473).~~

1     *SEC. 21. Section 2020 of the Business and Professions Code*  
2     *is amended to read:*

3     2020. The board may employ an executive director exempt  
4     from the provisions of the Civil Service Act and may also employ  
5     investigators, legal counsel, medical consultants, and other  
6     assistance as it may deem necessary to carry into effect this chapter.  
7     The board may fix the compensation to be paid for services subject  
8     to the provisions of applicable state laws and regulations and may  
9     incur other expenses as it may deem necessary. Investigators  
10    employed by the board shall be provided special training in  
11    investigating medical practice activities.

12    The Attorney General shall act as legal counsel for the board for  
13    any judicial and administrative proceedings and his or her services  
14    shall be a charge against it. ~~This section shall become inoperative~~  
15   ~~on July 1, 2010, and, as of January 1, 2011, is repealed, unless a~~  
16   ~~later enacted statute, which becomes effective on or before January~~  
17   ~~1, 2011, deletes or extends the dates on which it becomes~~  
18   ~~inoperative and is repealed.~~

19    *SEC. 22. Section 2460 of the Business and Professions Code*  
20    *is amended to read:*

21    2460. There is created within the jurisdiction of the Medical  
22    Board of California and its divisions the California Board of  
23    Podiatric Medicine. ~~This section shall become inoperative on July~~  
24   ~~1, 2010, and, as of January 1, 2011, is repealed, unless a later~~  
25   ~~enacted statute, which becomes effective on or before January 1,~~  
26   ~~2011, deletes or extends the dates on which it becomes inoperative~~  
27   ~~and is repealed. The repeal of this section renders the California~~  
28   ~~Board of Podiatric Medicine subject to the review required by~~  
29   ~~Division 1.2 (commencing with Section 473).~~

30    *SEC. 23. Section 2531 of the Business and Professions Code,*  
31    *as added by Chapter 35 of the Statutes of 2008, is amended to*  
32    *read:*

33    2531. (a) There is in the Department of Consumer Affairs a  
34    Speech-Language Pathology and Audiology Board in which the  
35    enforcement and administration of this chapter are vested. The  
36    Speech-Language Pathology and Audiology Board shall consist  
37    of nine members, three of whom shall be public members.

38    ~~(b) This section shall remain in effect only until January 1, 2012,~~  
39   ~~and as of that date is repealed, unless a later enacted statute, that~~  
40   ~~is enacted before January 1, 2012, deletes or extends that date. The~~



1 ~~repeal of this section renders the board subject to the review~~  
2 ~~required by Division 1.2 (commencing with Section 473).~~

3 *SEC. 24. Section 2531.75 of the Business and Professions*  
4 *Code, as amended by Section 5 of Chapter 33 of the Statutes of*  
5 *2008, is repealed.*

6 ~~2531.75. (a) The board may appoint a person exempt from~~  
7 ~~civil service who shall be designated as an executive officer and~~  
8 ~~who shall exercise the powers and perform the duties delegated~~  
9 ~~by the board and vested in him or her by this chapter.~~

10 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
11 ~~and as of that date is repealed, unless a later enacted statute, that~~  
12 ~~is enacted before January 1, 2012, deletes or extends that date.~~

13 *SEC. 24.5. Section 2531.75 of the Business and Professions*  
14 *Code, as added by Section 4 of Chapter 35 of the Statutes of 2008,*  
15 *is amended to read:*

16 2531.75. (a) The board may appoint a person exempt from  
17 civil service who shall be designated as an executive officer and  
18 who shall exercise the powers and perform the duties delegated  
19 by the board and vested in him or her by this chapter.

20 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
21 ~~and as of that date is repealed, unless a later enacted statute, that~~  
22 ~~is enacted before January 1, 2012, deletes or extends that date.~~

23 *SEC. 25. Section 2570.19 of the Business and Professions Code*  
24 *is amended to read:*

25 2570.19. (a) There is hereby created a California Board of  
26 Occupational Therapy, hereafter referred to as the board. The board  
27 shall enforce and administer this chapter.

28 (b) The members of the board shall consist of the following:

29 (1) Three occupational therapists who shall have practiced  
30 occupational therapy for five years.

31 (2) One occupational therapy assistant who shall have assisted  
32 in the practice of occupational therapy for five years.

33 (3) Three public members who shall not be licentiates of the  
34 board or of any board referred to in Section 1000 or 3600.

35 (c) The Governor shall appoint the three occupational therapists  
36 and one occupational therapy assistant to be members of the board.  
37 The Governor, the Senate Rules Committee, and the Speaker of  
38 the Assembly shall each appoint a public member. Not more than  
39 one member of the board shall be appointed from the full-time  
40 faculty of any university, college, or other educational institution.

1 (d) All members shall be residents of California at the time of  
2 their appointment. The occupational therapist and occupational  
3 therapy assistant members shall have been engaged in rendering  
4 occupational therapy services to the public, teaching, or research  
5 in occupational therapy for at least five years preceding their  
6 appointments.

7 (e) The public members may not be or have ever been  
8 occupational therapists or occupational therapy assistants or in  
9 training to become occupational therapists or occupational therapy  
10 assistants. The public members may not be related to, or have a  
11 household member who is, an occupational therapist or an  
12 occupational therapy assistant, and may not have had, within two  
13 years of the appointment, a substantial financial interest in a person  
14 regulated by the board.

15 (f) The Governor shall appoint two board members for a term  
16 of one year, two board members for a term of two years, and one  
17 board member for a term of three years. Appointments made  
18 thereafter shall be for four-year terms, but no person shall be  
19 appointed to serve more than two consecutive terms. Terms shall  
20 begin on the first day of the calendar year and end on the last day  
21 of the calendar year or until successors are appointed, except for  
22 the first appointed members who shall serve through the last  
23 calendar day of the year in which they are appointed, before  
24 commencing the terms prescribed by this section. Vacancies shall  
25 be filled by appointment for the unexpired term. The board shall  
26 annually elect one of its members as president.

27 (g) The board shall meet and hold at least one regular meeting  
28 annually in the Cities of Sacramento, Los Angeles, and San  
29 Francisco. The board may convene from time to time until its  
30 business is concluded. Special meetings of the board may be held  
31 at any time and place designated by the board.

32 (h) Notice of each meeting of the board shall be given in  
33 accordance with the Bagley-Keene Open Meeting Act (Article 9  
34 (commencing with Section 11120) of Chapter 1 of Part 1 of  
35 Division 3 of Title 2 of the Government Code).

36 (i) Members of the board shall receive no compensation for  
37 their services, but shall be entitled to reasonable travel and other  
38 expenses incurred in the execution of their powers and duties in  
39 accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) A loan is hereby authorized from the General Fund to the Occupational Therapy Fund on or after July 1, 2000, in an amount of up to one million dollars (\$1,000,000) to fund operating, personnel, and other startup costs of the board. Six hundred ten thousand dollars (\$610,000) of this loan amount is hereby appropriated to the board to use in the 2000–01 fiscal year for the purposes described in this subdivision. In subsequent years, funds from the Occupational Therapy Fund shall be available to the board upon appropriation by the Legislature in the annual Budget Act. The loan shall be repaid to the General Fund over a period of up to five years, and the amount paid shall also include interest at the rate accruing to moneys in the Pooled Money Investment Account. The loan amount and repayment period shall be minimized to the extent possible based upon actual board financing requirements as determined by the Department of Finance.

~~(l) This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute that is enacted before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).~~

*SEC. 26. Section 2602 of the Business and Professions Code is amended to read:*

2602. The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter. ~~This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).~~

*SEC. 27. Section 2607.5 of the Business and Professions Code is amended to read:*

2607.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who

1 shall exercise the powers and perform the duties delegated by the  
2 board and vested in him or her by this chapter.

3 ~~This section shall become inoperative on July 1, 2013, and, as~~  
4 ~~of January 1, 2014, is repealed, unless a later enacted statute, which~~  
5 ~~becomes effective on or before January 1, 2014, deletes or extends~~  
6 ~~the dates on which it becomes inoperative and is repealed.~~

7 ~~The repeal of this section renders the board subject to the review~~  
8 ~~required by Division 1.2 (commencing with Section 473).~~

9 *SEC. 28. Section 2701 of the Business and Professions Code*  
10 *is amended to read:*

11 2701. There is in the Department of Consumer Affairs the  
12 Board of Registered Nursing consisting of nine members.

13 Within the meaning of this chapter, board, or the board, refers  
14 to the Board of Registered Nursing. Any reference in state law to  
15 the Board of Nurse Examiners of the State of California or  
16 California Board of Nursing Education and Nurse Registration  
17 shall be construed to refer to the Board of Registered Nursing.

18 ~~This section shall become inoperative on July 1, 2010, and, as~~  
19 ~~of January 1, 2011, is repealed, unless a later enacted statute, that~~  
20 ~~becomes operative on or before January 1, 2011, deletes or extends~~  
21 ~~the dates on which it becomes inoperative and is repealed. The~~  
22 ~~repeal of this section renders the board subject to the review~~  
23 ~~required by Division 1.2 (commencing with Section 473).~~

24 *SEC. 29. Section 2708 of the Business and Professions Code*  
25 *is amended to read:*

26 2708. The board shall appoint an executive officer who shall  
27 perform the duties delegated by the board and who shall be  
28 responsible to it for the accomplishment of those duties.

29 The executive officer shall be a nurse currently licensed under  
30 this chapter and shall possess other qualifications as determined  
31 by the board.

32 The executive officer shall not be a member of the board.

33 ~~This section shall become inoperative on July 1, 2010, and, as~~  
34 ~~of January 1, 2011, is repealed, unless a later enacted statute, which~~  
35 ~~becomes effective on or before January 1, 2011, deletes or extends~~  
36 ~~the dates on which it becomes inoperative and is repealed.~~

37 *SEC. 30. Section 2841 of the Business and Professions Code,*  
38 *as added by Section 5 of Chapter 35 of the Statutes of 2008, is*  
39 *amended to read:*

1     2841. (a) There is in the Department of Consumer Affairs a  
2 Board of Vocational Nursing and Psychiatric Technicians of the  
3 State of California, consisting of 11 members.

4     (b) Within the meaning of this chapter, “board,” or “the board,”  
5 refers to the Board of Vocational Nursing and Psychiatric  
6 Technicians of the State of California.

7     ~~(e) This section shall remain in effect only until January 1, 2012,~~  
8 ~~and as of that date is repealed, unless a later enacted statute, that~~  
9 ~~is enacted before January 1, 2012, deletes or extends that date. The~~  
10 ~~repeal of this section renders the board subject to the review~~  
11 ~~required by Division 1.2 (commencing with Section 473).~~

12     *SEC. 31. Section 2847 of the Business and Professions Code,*  
13 *as amended by Section 6 of Chapter 33 of the Statutes of 2008, is*  
14 *repealed.*

15     ~~2847. (a) The board may select an executive officer who shall~~  
16 ~~perform duties as are delegated by the board and who shall be~~  
17 ~~responsible to it for the accomplishment of those duties.~~

18     ~~(b) The person selected to be the executive officer of the board~~  
19 ~~shall be a duly licensed vocational nurse under this chapter, a duly~~  
20 ~~licensed professional nurse as defined in Section 2725, or a duly~~  
21 ~~licensed psychiatric technician. The executive officer shall not be~~  
22 ~~a member of the board.~~

23     ~~(c) With the approval of the Director of Finance, the board shall~~  
24 ~~fix the salary of the executive officer.~~

25     ~~(d) The executive officer shall be entitled to traveling and other~~  
26 ~~necessary expenses in the performance of his or her duties. He or~~  
27 ~~she shall make a statement, certified before a duly authorized~~  
28 ~~person, that the expenses have been actually incurred.~~

29     ~~(e) This section shall remain in effect only until January 1, 2012,~~  
30 ~~and as of that date is repealed, unless a later enacted statute, that~~  
31 ~~is enacted before January 1, 2012, deletes or extends that date.~~

32     *SEC. 31.5. Section 2847 of the Business and Professions Code,*  
33 *as added by Section 6 of Chapter 35 of the Statutes of 2008, is*  
34 *amended to read:*

35     2847. (a) The board may select an executive officer who shall  
36 perform duties as are delegated by the board and who shall be  
37 responsible to it for the accomplishment of those duties.

38     (b) The person selected to be the executive officer of the board  
39 shall be a duly licensed vocational nurse under this chapter, a duly  
40 licensed professional nurse as defined in Section 2725, or a duly

1 licensed psychiatric technician. The executive officer shall not be  
2 a member of the board.

3 (c) With the approval of the Director of Finance, the board shall  
4 fix the salary of the executive officer.

5 (d) The executive officer shall be entitled to traveling and other  
6 necessary expenses in the performance of his or her duties. He or  
7 she shall make a statement, certified before a duly authorized  
8 person, that the expenses have been actually incurred.

9 ~~(e) This section shall remain in effect only until January 1, 2012,~~  
10 ~~and as of that date is repealed, unless a later enacted statute, that~~  
11 ~~is enacted before January 1, 2012, deletes or extends that date.~~

12 *SEC. 32. Section 2920 of the Business and Professions Code*  
13 *is amended to read:*

14 2920. The Board of Psychology shall enforce and administer  
15 this chapter. The board shall consist of nine members, four of  
16 whom shall be public members.

17 ~~This section shall become inoperative on July 1, 2009, and, as~~  
18 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
19 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
20 ~~the dates on which it becomes inoperative and is repealed.~~

21 *SEC. 33. Section 2933 of the Business and Professions Code*  
22 *is amended to read:*

23 2933. Except as provided by Section 159.5, the board shall  
24 employ and shall make available to the board within the limits of  
25 the funds received by the board all personnel necessary to carry  
26 out this chapter. The board may employ, exempt from the State  
27 Civil Service Act, an executive officer to the Board of Psychology.  
28 The board shall make all expenditures to carry out this chapter.  
29 The board may accept contributions to effectuate the purposes of  
30 this chapter.

31 ~~This section shall become inoperative on July 1, 2009, and, as~~  
32 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
33 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
34 ~~the dates on which it becomes inoperative and is repealed.~~

35 *SEC. 34. Section 3010.5 of the Business and Professions Code*  
36 *is amended to read:*

37 3010.5. (a) There is in the Department of Consumer Affairs  
38 a State Board of Optometry in which the enforcement of this  
39 chapter is vested. The board consists of 11 members, five of whom  
40 shall be public members.

1 Six members of the board shall constitute a quorum.

2 (b) The board shall, with respect to conducting investigations,  
3 inquiries, and disciplinary actions and proceedings, have the  
4 authority previously vested in the board as created pursuant to  
5 Section 3010. The board may enforce any disciplinary actions  
6 undertaken by that board.

7 ~~(e) This section shall remain in effect only until July 1, 2010,~~  
8 ~~and, as of January 1, 2011, is repealed, unless a later enacted~~  
9 ~~statute, that is enacted before January 1, 2011, deletes or extends~~  
10 ~~that date.~~

11 *SEC. 35. Section 3014.6 of the Business and Professions Code*  
12 *is amended to read:*

13 3014.6. (a) The board may appoint a person exempt from civil  
14 service who shall be designated as an executive officer and who  
15 shall exercise the powers and perform the duties delegated by the  
16 board and vested in him or her by this chapter.

17 ~~(b) This section shall become inoperative on July 1, 2010, and,~~  
18 ~~as of January 1, 2011, is repealed, unless a later enacted statute,~~  
19 ~~that is enacted before January 1, 2011, deletes or extends the dates~~  
20 ~~on which it becomes inoperative and is repealed.~~

21 *SEC. 36. Section 3504 of the Business and Professions Code*  
22 *is amended to read:*

23 3504. There is established a Physician Assistant Committee  
24 of the Medical Board of California. The committee consists of  
25 nine members. ~~This section shall become inoperative on July 1,~~  
26 ~~2011, and, as of January 1, 2012, is repealed, unless a later enacted~~  
27 ~~statute, which becomes effective on or before January 1, 2012,~~  
28 ~~deletes or extends the dates on which it becomes inoperative and~~  
29 ~~is repealed. The repeal of this section renders the committee subject~~  
30 ~~to the review required by Division 1.2 (commencing with Section~~  
31 ~~473).~~

32 *SEC. 37. Section 3512 of the Business and Professions Code*  
33 *is amended to read:*

34 3512. (a) ~~Except as provided in Sections 159.5 and 2020, the~~  
35 ~~committee shall employ within the limits of the Physician Assistant~~  
36 ~~Fund all personnel necessary to carry out the provisions of this~~  
37 ~~chapter including an executive officer who shall be exempt from~~  
38 ~~civil service. The board and committee shall make all necessary~~  
39 ~~expenditures to carry out the provisions of this chapter from the~~

1 funds established by Section 3520. The committee may accept  
2 contributions to effect the purposes of this chapter.

3 ~~(b) This section shall become inoperative on July 1, 2011, and,~~  
4 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
5 ~~that becomes operative on or before January 1, 2012, deletes or~~  
6 ~~extends the dates on which it becomes inoperative and is repealed.~~

7 *SEC. 38. Section 3710 of the Business and Professions Code*  
8 *is amended to read:*

9 3710. The Respiratory Care Board of California, hereafter  
10 referred to as the board, shall enforce and administer this chapter.

11 ~~This section shall become inoperative on July 1, 2010, and, as~~  
12 ~~of January 1, 2011, is repealed, unless a later enacted statute, that~~  
13 ~~becomes operative on or before January 1, 2011, deletes or extends~~  
14 ~~the dates on which it becomes inoperative and is repealed.~~

15 ~~The repeal of this section renders the board subject to the review~~  
16 ~~required by Division 1.2 (commencing with Section 473).~~

17 *SEC. 39. Section 3716 of the Business and Professions Code*  
18 *is amended to read:*

19 3716. The board may employ an executive officer exempt from  
20 civil service and, subject to the provisions of law relating to civil  
21 service, clerical assistants and, except as provided in Section 159.5,  
22 other employees as it may deem necessary to carry out its powers  
23 and duties.

24 ~~This section shall become inoperative on July 1, 2010, and, as~~  
25 ~~of January 1, 2011, is repealed, unless a later enacted statute, that~~  
26 ~~becomes operative on or before January 1, 2011, deletes or extends~~  
27 ~~the dates on which it becomes inoperative and is repealed.~~

28 *SEC. 40. Section 4001 of the Business and Professions Code*  
29 *is amended to read:*

30 4001. (a) There is in the Department of Consumer Affairs a  
31 California State Board of Pharmacy in which the administration  
32 and enforcement of this chapter is vested. The board consists of  
33 13 members.

34 (b) The Governor shall appoint seven competent pharmacists  
35 who reside in different parts of the state to serve as members of  
36 the board. The Governor shall appoint four public members, and  
37 the Senate Committee on Rules and the Speaker of the Assembly  
38 shall each appoint a public member who shall not be a licensee of  
39 the board, any other board under this division, or any board referred  
40 to in Section 1000 or 3600.



1 (c) At least five of the seven pharmacist appointees to the board  
2 shall be pharmacists who are actively engaged in the practice of  
3 pharmacy. Additionally, the membership of the board shall include  
4 at least one pharmacist representative from each of the following  
5 practice settings: an acute care hospital, an independent community  
6 pharmacy, a chain community pharmacy, and a long-term health  
7 care or skilled nursing facility. The pharmacist appointees shall  
8 also include a pharmacist who is a member of a labor union that  
9 represents pharmacists. For the purposes of this subdivision, a  
10 “chain community pharmacy” means a chain of 75 or more stores  
11 in California under the same ownership, and an “independent  
12 community pharmacy” means a pharmacy owned by a person or  
13 entity who owns no more than four pharmacies in California.

14 (d) Members of the board shall be appointed for a term of four  
15 years. No person shall serve as a member of the board for more  
16 than two consecutive terms. Each member shall hold office until  
17 the appointment and qualification of his or her successor or until  
18 one year shall have elapsed since the expiration of the term for  
19 which the member was appointed, whichever first occurs.  
20 Vacancies occurring shall be filled by appointment for the  
21 unexpired term.

22 (e) Each member of the board shall receive a per diem and  
23 expenses as provided in Section 103.

24 ~~(f) In accordance with Sections 101.1 and 473.1, this section~~  
25 ~~shall become inoperative on July 1, 2010, and, as of January 1,~~  
26 ~~2011, is repealed, unless a later enacted statute, that becomes~~  
27 ~~effective on or before January 1, 2011, deletes or extends the dates~~  
28 ~~on which it becomes inoperative and is repealed. The repeal of~~  
29 ~~this section renders the board subject to the review required by~~  
30 ~~Division 1.2 (commencing with Section 473).~~

31 *SEC. 41. Section 4003 of the Business and Professions Code*  
32 *is amended to read:*

33 4003. (a) The board may appoint a person exempt from civil  
34 service who shall be designated as an executive officer and who  
35 shall exercise the powers and perform the duties delegated by the  
36 board and vested in him or her by this chapter. The executive  
37 officer may or may not be a member of the board as the board may  
38 determine.

39 (b) The executive officer shall receive the compensation as  
40 established by the board with the approval of the Director of

1 Finance. The executive officer shall also be entitled to travel and  
2 other expenses necessary in the performance of his or her duties.

3 (c) The executive officer shall maintain and update in a timely  
4 fashion records containing the names, titles, qualifications, and  
5 places of business of all persons subject to this chapter.

6 (d) The executive officer shall give receipts for all money  
7 received by him or her and pay it to the Department of Consumer  
8 Affairs, taking its receipt therefor. Besides the duties required by  
9 this chapter, the executive officer shall perform other duties  
10 pertaining to the office as may be required of him or her by the  
11 board.

12 ~~(e) In accordance with Sections 101.1 and 473.1, this section~~  
13 ~~shall become inoperative on July 1, 2010, and, as of January 1,~~  
14 ~~2011, is repealed, unless a later enacted statute, that becomes~~  
15 ~~effective on or before January 1, 2011, deletes or extends the dates~~  
16 ~~on which it becomes inoperative and is repealed.~~

17 *SEC. 42. Section 4501 of the Business and Professions Code,*  
18 *as added by Section 7 of Chapter 35 of the Statutes of 2008, is*  
19 *amended to read:*

20 4501. (a) “Board,” as used in this chapter, means the Board  
21 of Vocational Nursing and Psychiatric Technicians.

22 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
23 ~~and as of that date is repealed, unless a later enacted statute, that~~  
24 ~~is enacted before January 1, 2012, deletes or extends that date.~~

25 *SEC. 43. Section 4503 of the Business and Professions Code,*  
26 *as added by Section 8 of Chapter 35 of the Statutes of 2008, is*  
27 *amended to read:*

28 4503. (a) The board shall administer and enforce this chapter.

29 ~~(b) This section shall remain in effect only until January 1, 2012,~~  
30 ~~and as of that date is repealed, unless a later enacted statute, that~~  
31 ~~is enacted before January 1, 2012, deletes or extends that date.~~

32 *SEC. 44. Section 4800 of the Business and Professions Code*  
33 *is amended to read:*

34 4800. There is in the Department of Consumer Affairs a  
35 Veterinary Medical Board in which the administration of this  
36 chapter is vested. The board consists of seven members, three of  
37 whom shall be public members.

38 ~~This section shall become inoperative on July 1, 2011, and, as~~  
39 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~

1 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
2 ~~the dates on which it becomes inoperative and is repealed.~~

3 ~~The repeal of this section renders the board subject to the review~~  
4 ~~provided for by Division 1.2 (commencing with Section 473).~~

5 *SEC. 45. Section 4804.5 of the Business and Professions Code*  
6 *is amended to read:*

7 4804.5. The board may appoint a person exempt from civil  
8 service who shall be designated as an executive officer and who  
9 shall exercise the powers and perform the duties delegated by the  
10 board and vested in him or her by this chapter.

11 ~~This section shall become inoperative on July 1, 2011, and, as~~  
12 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
13 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
14 ~~the dates on which it becomes inoperative and is repealed.~~

15 *SEC. 46. Section 4928 of the Business and Professions Code*  
16 *is amended to read:*

17 4928. The Acupuncture Board, which consists of seven  
18 members, shall enforce and administer this chapter. The appointing  
19 powers, as described in Section 4929, may appoint to the board a  
20 person who was a member of the prior board prior to the repeal of  
21 that board on January 1, 2006.

22 ~~This section shall become inoperative on July 1, 2009, and, as~~  
23 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
24 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
25 ~~the dates on which it becomes inoperative and is repealed.~~

26 ~~The repeal of this section renders the board subject to the review~~  
27 ~~required by Division 1.2 (commencing with Section 473).~~

28 *SEC. 47. Section 4934 of the Business and Professions Code*  
29 *is amended to read:*

30 4934. (a) ~~The~~ board, by and with the approval of the director,  
31 may employ personnel necessary for the administration of this  
32 chapter, and the board, by and with the approval of the director,  
33 may appoint an executive officer who is exempt from the  
34 provisions of the Civil Service Act.

35 ~~(b) This section shall become inoperative on July 1, 2009, and,~~  
36 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
37 ~~which becomes effective on or before January 1, 2010, deletes or~~  
38 ~~extends the dates on which it becomes inoperative and is repealed.~~

39 *SEC. 48. Section 4990 of the Business and Professions Code*  
40 *is amended to read:*

1 4990. (a) There is in the Department of Consumer Affairs, a  
2 Board of Behavioral Sciences that consists of 11 members  
3 composed as follows:

- 4 (1) Two state licensed clinical social workers.
- 5 (2) One state licensed educational psychologist.
- 6 (3) Two state licensed marriage and family therapists.
- 7 (4) Six public members.

8 (b) Each member, except the six public members, shall have at  
9 least two years of experience in his or her profession.

10 (c) Each member shall reside in the State of California.

11 (d) The Governor shall appoint four of the public members and  
12 the five licensed members with the advice and consent of the  
13 Senate. The Senate Committee on Rules and the Speaker of the  
14 Assembly shall each appoint a public member.

15 (e) Each member of the board shall be appointed for a term of  
16 four years. A member appointed by the Speaker of the Assembly  
17 or the Senate Committee on Rules shall hold office until the  
18 appointment and qualification of his or her successor or until one  
19 year from the expiration date of the term for which he or she was  
20 appointed, whichever first occurs. Pursuant to Section 1774 of the  
21 Government Code, a member appointed by the Governor shall  
22 hold office until the appointment and qualification of his or her  
23 successor or until 60 days from the expiration date of the term for  
24 which he or she was appointed, whichever first occurs.

25 (f) A vacancy on the board shall be filled by appointment for  
26 the unexpired term by the authority who appointed the member  
27 whose membership was vacated.

28 (g) Not later than the first of June of each calendar year, the  
29 board shall elect a chairperson and a vice chairperson from its  
30 membership.

31 (h) Each member of the board shall receive a per diem and  
32 reimbursement of expenses as provided in Section 103.

33 ~~(i) This section shall become inoperative on July 1, 2009, and,~~  
34 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
35 ~~that is enacted before January 1, 2010, deletes or extends the dates~~  
36 ~~on which it becomes inoperative and is repealed.~~

37 *SEC. 49. Section 4990.04 of the Business and Professions Code*  
38 *is amended to read:*

39 4990.04. (a) The board shall appoint an executive officer. This  
40 position is designated as a confidential position and is exempt from

1 civil service under subdivision (e) of Section 4 of Article VII of  
2 the California Constitution.

3 (b) The executive officer serves at the pleasure of the board.

4 (c) The executive officer shall exercise the powers and perform  
5 the duties delegated by the board and vested in him or her by this  
6 chapter.

7 (d) With the approval of the director, the board shall fix the  
8 salary of the executive officer.

9 (e) The chairperson and executive officer may call meetings of  
10 the board and any duly appointed committee at a specified time  
11 and place. For purposes of this section, “call meetings” means  
12 setting the agenda, time, date, or place for any meeting of the board  
13 or any committee.

14 ~~(f) This section shall become inoperative on July 1, 2009, and,~~  
15 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
16 ~~that is enacted before January 1, 2010, deletes or extends the dates~~  
17 ~~on which it becomes inoperative and is repealed.~~

18 *SEC. 50. Section 5000 of the Business and Professions Code*  
19 *is amended to read:*

20 5000. There is in the Department of Consumer Affairs the  
21 California Board of Accountancy, which consists of 15 members,  
22 seven of whom shall be licensees, and eight of whom shall be  
23 public members who shall not be licentiates of the board or  
24 registered by the board. The board has the powers and duties  
25 conferred by this chapter.

26 The Governor shall appoint four of the public members, and the  
27 seven licensee members as provided in this section. The Senate  
28 Rules Committee and the Speaker of the Assembly shall each  
29 appoint two public members. In appointing the seven licensee  
30 members, the Governor shall appoint members representing a cross  
31 section of the accounting profession with at least two members  
32 representing a small public accounting firm. For the purposes of  
33 this chapter, a small public accounting firm shall be defined as a  
34 professional firm that employs a total of no more than four  
35 licensees as partners, owners, or full-time employees in the practice  
36 of public accountancy within the State of California.

37 ~~This section shall become inoperative on July 1, 2011, and as~~  
38 ~~of January 1, 2012, is repealed, unless a later enacted statute, that~~  
39 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
40 ~~the dates on which this section becomes inoperative and is repealed.~~

1 The repeal of this section renders the board subject to the review  
2 required by Division 1.2 (commencing with Section 473).  
3 However, the review of the board shall be limited to reports or  
4 studies specified in this chapter and those issues identified by the  
5 Joint Committee on Boards, Commissions, and Consumer  
6 Protection and the board regarding the implementation of new  
7 licensing requirements.

8 *SEC. 51. Section 5015.6 of the Business and Professions Code*  
9 *is amended to read:*

10 5015.6. The board may appoint a person exempt from civil  
11 service who shall be designated as an executive officer and who  
12 shall exercise the powers and perform the duties delegated by the  
13 board and vested in him or her by this chapter.

14 ~~This section shall become inoperative on July 1, 2011, and, as~~  
15 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
16 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
17 ~~the dates on which it becomes inoperative and is repealed.~~

18 *SEC. 52. Section 5510 of the Business and Professions Code*  
19 *is amended to read:*

20 5510. There is in the Department of Consumer Affairs a  
21 California Architects Board which consists of 10 members.

22 Any reference in law to the California Board of Architectural  
23 Examiners shall mean the California Architects Board.

24 ~~This section shall become inoperative on July 1, 2011, and, as~~  
25 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
26 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
27 ~~the dates on which it becomes inoperative and is repealed. The~~  
28 ~~repeal of this section renders the board subject to the review~~  
29 ~~required by Division 1.2 (commencing with Section 473).~~

30 *SEC. 53. Section 5517 of the Business and Professions Code*  
31 *is amended to read:*

32 5517. The board may appoint a person exempt from civil  
33 service who shall be designated as an executive officer and who  
34 shall exercise the powers and perform the duties delegated by the  
35 board and vested in him or her by this chapter.

36 ~~This section shall become inoperative on July 1, 2011, and, as~~  
37 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
38 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
39 ~~the dates on which it becomes inoperative and is repealed.~~

1     *SEC. 54. Section 5620 of the Business and Professions Code*  
2     *is amended to read:*

3     5620. The duties, powers, purposes, responsibilities, and  
4     jurisdiction of the California State Board of Landscape Architects  
5     that were succeeded to and vested with the Department of  
6     Consumer Affairs in accordance with Chapter 908 of the Statutes  
7     of 1994 are hereby transferred to the California Architects Board.  
8     The Legislature finds that the purpose for the transfer of power is  
9     to promote and enhance the efficiency of state government and  
10    that assumption of the powers and duties by the California  
11    Architects Board shall not be viewed or construed as a precedent  
12    for the establishment of state regulation over a profession or  
13    vocation that was not previously regulated by a board, as defined  
14    in Section 477.

15    (a) There is in the Department of Consumer Affairs a California  
16    Architects Board as defined in Article 2 (commencing with Section  
17    5510) of Chapter 3.

18    Whenever in this chapter “board” is used it refers to the  
19    California Architects Board.

20    (b) Except as provided herein, the board may delegate its  
21    authority under this chapter to the Landscape Architects Technical  
22    Committee.

23    (c) After review of proposed regulations, the board may direct  
24    the examining committee to notice and conduct hearings to adopt,  
25    amend, or repeal regulations pursuant to Section 5630, provided  
26    that the board itself shall take final action to adopt, amend, or  
27    repeal those regulations.

28    (d) The board shall not delegate its authority to discipline a  
29    landscape architect or to take action against a person who has  
30    violated this chapter.

31    ~~(e) This section shall become inoperative on July 1, 2011, and,~~  
32    ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
33    ~~that becomes operative on or before January 1, 2012, deletes or~~  
34    ~~extends the dates on which it becomes inoperative and is repealed.~~

35    *SEC. 55. Section 5621 of the Business and Professions Code*  
36    *is amended to read:*

37    5621. (a) There is hereby created within the jurisdiction of the  
38    board, a Landscape Architects Technical Committee, hereinafter  
39    referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

~~(e) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.~~

*SEC. 56. Section 5622 of the Business and Professions Code is amended to read:*

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

~~(e) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.~~



1     *SEC. 57. Section 5810 of the Business and Professions Code*  
2     *is amended to read:*

3     5810. (a) This chapter shall be subject to the review required  
4     by Division 1.2 (commencing with Section 473).

5     ~~(b) This chapter shall remain in effect only until January 1,~~  
6     ~~2010, and as of that date is repealed, unless a later enacted statute,~~  
7     ~~that is enacted before January 1, 2010, deletes or extends that date.~~

8     *SEC. 58. Section 5811 of the Business and Professions Code*  
9     *is amended to read:*

10    5811. An interior design organization issuing stamps under  
11    Section 5801 shall provide to the ~~Joint Committee on Boards,~~  
12    ~~Commissions, and Consumer Protection~~ *appropriate standing*  
13    ~~committees of the Legislature~~ by September 1, ~~2008~~ 2009, a report  
14    that reviews and assesses the costs and benefits associated with  
15    the California Code and Regulations Examination and explores  
16    feasible alternatives to that examination.

17    *SEC. 59. Section 6710 of the Business and Professions Code*  
18    *is amended to read:*

19    6710. (a) There is in the Department of Consumer Affairs a  
20    Board for Professional Engineers and Land Surveyors, which  
21    consists of 13 members.

22    (b) Any reference in any law or regulation to the Board of  
23    Registration for Professional Engineers and Land Surveyors is  
24    deemed to refer to the Board for Professional Engineers and Land  
25    Surveyors.

26    ~~(c) This section shall become inoperative on July 1, 2011, and,~~  
27    ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
28    ~~that becomes effective on or before January 1, 2012, deletes or~~  
29    ~~extends the dates on which it becomes inoperative and is repealed.~~  
30    ~~The repeal of this section renders the board subject to the review~~  
31    ~~required by Division 1.2 (commencing with Section 473).~~

32    *SEC. 60. Section 6714 of the Business and Professions Code*  
33    *is amended to read:*

34    6714. The board shall appoint an executive officer at a salary  
35    to be fixed and determined by the board with the approval of the  
36    Director of Finance.

37    ~~This section shall become inoperative on July 1, 2011, and, as~~  
38    ~~of January 1, 2012, is repealed, unless a later enacted statute, that~~  
39    ~~becomes effective on or before January 1, 2012, deletes or extends~~  
40    ~~the dates on which it becomes inoperative and is repealed.~~

1     *SEC. 61. Section 7000.5 of the Business and Professions Code*  
2     *is amended to read:*

3     7000.5. (a) There is in the Department of Consumer Affairs  
4     a Contractors' State License Board, which consists of 15 members.

5     (b) ~~The repeal of this section renders the board subject to the~~  
6     ~~review required by Division 1.2 (commencing with Section 473).~~  
7     ~~However, the review of this board by the department shall be~~  
8     ~~limited to only those unresolved issues identified by the Joint~~  
9     ~~Committee on Boards, Commissions, and Consumer Protection.~~

10    (c) ~~This section shall become inoperative on July 1, 2009, and,~~  
11    ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
12    ~~which becomes effective on or before January 1, 2010, deletes or~~  
13    ~~extends the dates on which it becomes inoperative and is repealed.~~  
14    ~~The repeal of this section renders the board subject to the review~~  
15    ~~required by Division 1.2 (commencing with Section 473).~~

16    *SEC. 62. Section 7011 of the Business and Professions Code*  
17    *is amended to read:*

18    7011. The board, by and with the approval of the director, shall  
19    appoint a registrar of contractors and fix his or her compensation.

20    The registrar shall be the executive officer and secretary of the  
21    board and shall carry out all of the administrative duties as provided  
22    in this chapter and as delegated to him or her by the board.

23    For the purpose of administration of this chapter, there may be  
24    appointed a deputy registrar, a chief reviewing and hearing officer,  
25    and, subject to Section 159.5, other assistants and subordinates as  
26    may be necessary.

27    Appointments shall be made in accordance with the provisions  
28    of civil service laws.

29    ~~This section shall become inoperative on July 1, 2009, and, as~~  
30    ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
31    ~~becomes effective on or before January 1, 2010, deletes or extends~~  
32    ~~the dates on which it becomes inoperative and is repealed.~~

33    *SEC. 63. Section 7200 of the Business and Professions Code*  
34    *is amended to read:*

35    7200. (a) There is in the Department of Consumer Affairs a  
36    State Board of Guide Dogs for the Blind in whom enforcement of  
37    this chapter is vested. The board shall consist of seven members  
38    appointed by the Governor. One member shall be the Director of  
39    Rehabilitation or his or her designated representative. The  
40    remaining members shall be persons who have shown a particular

1 interest in dealing with the problems of the blind, and at least two  
2 of them shall be blind persons who use guide dogs.

3 ~~(b) This section shall become inoperative on July 1, 2011, and,~~  
4 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
5 ~~which becomes effective on or before January 1, 2012, deletes or~~  
6 ~~extends the dates on which it becomes inoperative and is repealed.~~

7 *SEC. 64. Section 7303 of the Business and Professions Code,*  
8 *as amended by Section 14 of Chapter 33 of the Statutes of 2008,*  
9 *is repealed.*

10 ~~7303. (a) Notwithstanding Article 8 (commencing with Section~~  
11 ~~9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the~~  
12 ~~Government Code, there is in the Department of Consumer Affairs~~  
13 ~~the State Board of Barbering and Cosmetology in which the~~  
14 ~~administration of this chapter is vested.~~

15 ~~(b) The board shall consist of nine members. Five members~~  
16 ~~shall be public members and four members shall represent the~~  
17 ~~professions. The Governor shall appoint three of the public~~  
18 ~~members and the four professions members. The Senate Committee~~  
19 ~~on Rules and the Speaker of the Assembly shall each appoint one~~  
20 ~~public member. Members of the board shall be appointed for a~~  
21 ~~term of four years, except that of the members appointed by the~~  
22 ~~Governor, two of the public members and two of the professions~~  
23 ~~members shall be appointed for an initial term of two years. No~~  
24 ~~board member may serve longer than two consecutive terms.~~

25 ~~(c) The board may appoint an executive officer who is exempt~~  
26 ~~from civil service. The executive officer shall exercise the powers~~  
27 ~~and perform the duties delegated by the board and vested in him~~  
28 ~~or her by this chapter. The appointment of the executive officer is~~  
29 ~~subject to the approval of the director. In the event that a newly~~  
30 ~~authorized board replaces an existing or previous bureau, the~~  
31 ~~director may appoint an interim executive officer for the board~~  
32 ~~who shall serve temporarily until the new board appoints a~~  
33 ~~permanent executive officer.~~

34 ~~(d) The executive officer shall provide examiners, inspectors,~~  
35 ~~and other personnel necessary to carry out the provisions of this~~  
36 ~~chapter.~~

37 ~~(e) This section shall become inoperative on July 1, 2008, and,~~  
38 ~~as of January 1, 2009, is repealed, unless a later enacted statute,~~  
39 ~~which becomes effective on or before January 1, 2009, deletes or~~  
40 ~~extends the dates on which it becomes inoperative and is repealed.~~

1     *SEC. 64.5. Section 7303 of the Business and Professions Code,*  
2     *as added by Section 9 of Chapter 35 of the Statutes of 2008, is*  
3     *amended to read:*

4     7303. (a) Notwithstanding Article 8 (commencing with Section  
5     9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
6     Government Code, there is in the Department of Consumer Affairs  
7     the State Board of Barbering and Cosmetology in which the  
8     administration of this chapter is vested.

9     (b) The board shall consist of nine members. Five members  
10    shall be public members, and four members shall represent the  
11    professions. The Governor shall appoint three of the public  
12    members and the four professional members. The Senate  
13    Committee on Rules and the Speaker of the Assembly shall each  
14    appoint one public member. Members of the board shall be  
15    appointed for a term of four years, except that of the members  
16    appointed by the Governor, two of the public members and two  
17    of the professions members shall be appointed for an initial term  
18    of two years. No board member may serve longer than two  
19    consecutive terms.

20    (c) The board may appoint an executive officer who is exempt  
21    from civil service. The executive officer shall exercise the powers  
22    and perform the duties delegated by the board and vested in him  
23    or her by this chapter. The appointment of the executive officer is  
24    subject to the approval of the director. In the event that a newly  
25    authorized board replaces an existing or previous bureau, the  
26    director may appoint an interim executive officer for the board  
27    who shall serve temporarily until the new board appoints a  
28    permanent executive officer.

29    (d) The executive officer shall provide examiners, inspectors,  
30    and other personnel necessary to carry out the provisions of this  
31    chapter.

32    ~~(e) This section shall remain in effect only until January 1, 2012,~~  
33    ~~and as of that date is repealed, unless a later enacted statute, that~~  
34    ~~is enacted before January 1, 2012, deletes or extends that date.~~

35    *SEC. 65. Section 7810 of the Business and Professions Code*  
36    *is amended to read:*

37    7810. The Board for Geologists and Geophysicists is within  
38    the department and is subject to the jurisdiction of the department.  
39    Except as provided in this section, the board shall consist of eight

1 members, five of whom shall be public members, two of whom  
2 shall be geologists, and one of whom shall be a geophysicist.

3 Each member shall hold office until the appointment and  
4 qualification of the member's successor or until one year has  
5 elapsed from the expiration of the term for which the member was  
6 appointed, whichever occurs first. Vacancies occurring prior to  
7 the expiration of the term shall be filled by appointment for the  
8 remainder of the unexpired term.

9 Each appointment shall be for a four-year term expiring June 1  
10 of the fourth year following the year in which the previous term  
11 expired. No person shall serve as a member of the board for more  
12 than two consecutive terms.

13 The Governor shall appoint three of the public members and the  
14 three members qualified as provided in Section 7811. The Senate  
15 Committee on Rules and the Speaker of the Assembly shall each  
16 appoint a public member, and their initial appointment shall be  
17 made to fill, respectively, the first and second public member  
18 vacancies that occurred on or after January 1, 1983.

19 At the time the first vacancy is created by the expiration of the  
20 term of a public member appointed by the Governor, the board  
21 shall be reduced to consist of seven members, four of whom shall  
22 be public members, two of whom shall be geologists, and one of  
23 whom shall be a geophysicist. Notwithstanding any other provision  
24 of law, the term of that member shall not be extended for any  
25 reason, except as provided in this section.

26 ~~This section shall become inoperative on July 1, 2009, and, as~~  
27 ~~of January 1, 2010, is repealed, unless a later enacted statute, that~~  
28 ~~becomes operative on or before January 1, 2010, deletes or extends~~  
29 ~~the dates on which it becomes inoperative and is repealed. The~~  
30 ~~repeal of this section renders the board subject to the review~~  
31 ~~required by Division 1.2 (commencing with Section 473).~~

32 *SEC. 66. Section 7815.5 of the Business and Professions Code*  
33 *is amended to read:*

34 7815.5. The board may appoint a person exempt from civil  
35 service who shall be designated as an executive officer and who  
36 shall exercise the powers and perform the duties delegated by the  
37 board and vested in him or her by this chapter.

38 ~~This section shall become inoperative on July 1, 2009, and, as~~  
39 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~

~~becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.~~

*SEC. 67. Section 8000 of the Business and Professions Code is amended to read:*

8000. There is in the Department of Consumer Affairs a Court Reporters Board of California, which consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued under this chapter who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.

~~This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.~~

*SEC. 68. Section 8005 of the Business and Professions Code is amended to read:*

8005. The Court Reporters Board of California is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive officer. Except as provided by Section 159.5, the board may also employ other employees as may be necessary, subject to civil service and other provisions of law.

~~This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date..~~

*SEC. 69. Section 8520 of the Business and Professions Code is amended to read:*

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100) of this code, the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

~~(d) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.~~

1 The repeal of this section renders the board subject to the review  
2 required by Division 1.2 (commencing with Section 473).

3 *SEC. 70. Section 8528 of the Business and Professions Code*  
4 *is amended to read:*

5 8528. With the approval of the director, the board shall appoint  
6 a registrar, fix his or her compensation and prescribe his or her  
7 duties.

8 The registrar is the executive officer and secretary of the board.

9 ~~This section shall become inoperative on July 1, 2011, and, as~~  
10 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
11 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
12 ~~the dates on which it becomes inoperative and is repealed.~~

13 *SEC. 71. Section 8710 of the Business and Professions Code*  
14 *is amended to read:*

15 8710. (a) The Board for Professional Engineers and Land  
16 Surveyors is vested with power to administer the provisions and  
17 requirements of this chapter, and may make and enforce rules and  
18 regulations that are reasonably necessary to carry out its provisions.

19 (b) The board may adopt rules and regulations of professional  
20 conduct that are not inconsistent with state and federal law. The  
21 rules and regulations may include definitions of incompetence and  
22 negligence. Every person who holds a license or certificate issued  
23 by the board pursuant to this chapter, or a license or certificate  
24 issued to a civil engineer pursuant to Chapter 7 (commencing with  
25 Section 6700), shall be governed by these rules and regulations.

26 ~~(c) This section shall become inoperative on July 1, 2011, and,~~  
27 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
28 ~~which becomes effective on or before January 1, 2012, deletes or~~  
29 ~~extends the dates on which it becomes inoperative and is repealed.~~  
30 ~~The repeal of this section shall render the board subject to the~~  
31 ~~review required by Division 1.2 (commencing with Section 473).~~

32 *SEC. 72. Section 18602 of the Business and Professions Code*  
33 *is amended to read:*

34 18602. (a) Except as provided in this section, there is in the  
35 Department of Consumer Affairs the State Athletic Commission,  
36 which consists of seven members. Five members shall be appointed  
37 by the Governor, one member shall be appointed by the Senate  
38 Rules Committee, and one member shall be appointed by the  
39 Speaker of the Assembly.

1 The members of the commission appointed by the Governor are  
2 subject to confirmation by the Senate pursuant to Section 1322 of  
3 the Government Code.

4 No person who is currently licensed, or who was licensed within  
5 the last two years, under this chapter may be appointed or  
6 reappointed to, or serve on, the commission.

7 (b) In appointing commissioners under this section, the  
8 Governor, the Senate Rules Committee, and the Speaker of the  
9 Assembly shall make every effort to ensure that at least four of  
10 the members of the commission shall have experience and  
11 demonstrate expertise in one of the following areas:

12 (1) A licensed physician or surgeon having expertise or  
13 specializing in neurology, neurosurgery, head trauma, or sports  
14 medicine. Sports medicine includes, but is not limited to,  
15 physiology, kinesiology, or other aspects of sports medicine.

16 (2) Financial management.

17 (3) Public safety.

18 (4) Past experience in the activity regulated by this chapter,  
19 either as a contestant, a referee or official, a promoter, or a venue  
20 operator.

21 (c) Each member of the commission shall be appointed for a  
22 term of four years. All terms shall end on January 1. Vacancies  
23 occurring prior to the expiration of the term shall be filled by  
24 appointment for the unexpired term. No commission member may  
25 serve more than two consecutive terms.

26 (d) Notwithstanding any other provision of this chapter,  
27 members first appointed shall be subject to the following terms:

28 (1) The Governor shall appoint two members for two years, two  
29 members for three years, and one member for four years.

30 (2) The Senate Committee on Rules shall appoint one member  
31 for four years.

32 (3) The Speaker of the Assembly shall appoint one member for  
33 four years.

34 (4) The appointing powers, as described in subdivision (a), may  
35 appoint to the commission a person who was a member of the prior  
36 commission prior to the repeal of that commission on July 1, 2006.

37 ~~(e) This section shall become inoperative on July 1, 2009, and~~  
38 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
39 ~~which becomes operative on or before January 1, 2010, deletes or~~  
40 ~~extends the dates on which it becomes inoperative and is repealed.~~



1 ~~The repeal of this section renders the commission subject to the~~  
2 ~~review required by Division 1.2 (commencing with Section 473).~~

3 *SEC. 73. Section 18613 of the Business and Professions Code*  
4 *is amended to read:*

5 18613. (a) ~~(1)~~ To assure the continuity and stable transition  
6 as the commission is reformed on January 1, 2007, the person  
7 serving as the bureau chief on December 31, 2006, shall serve as  
8 the executive officer beginning January 1, 2007, for a term through  
9 June 30, 2007. On or before June 30, 2007, but not earlier than  
10 June 1, 2007, the commission shall determine whether to retain  
11 the services of the person who was serving as the bureau chief on  
12 December 31, 2006, or to follow the procedure set forth in  
13 paragraph (2) of this subdivision to appoint a new executive officer.  
14 During the period between January 1, 2007, and June 30, 2007,  
15 any inconsistent provisions of this section notwithstanding, the  
16 executive officer may be terminated for cause upon the affirmative  
17 vote of a majority of the members of the commission.

18 ~~(2)~~

19 (b) The commission shall appoint a person exempt from civil  
20 service who shall be designated as an executive officer and who  
21 shall exercise the powers and perform the duties delegated by the  
22 commission and vested in him or her by this chapter. The  
23 appointment of the executive officer is subject to the approval of  
24 the Director of Consumer Affairs.

25 ~~(3)~~

26 (c) The commission may employ in accordance with Section  
27 154 other personnel as may be necessary for the administration of  
28 this chapter.

29 ~~(b) This section shall become inoperative on July 1, 2009, and,~~  
30 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
31 ~~which becomes effective on or before January 1, 2010, deletes or~~  
32 ~~extends the dates on which it becomes inoperative and is repealed.~~